

BLD-113

February 28, 2019

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 18-3458

EDWARD THOMAS KENNEDY, Appellant

VS.

ROBERT EVANCHICK, et al.

(M.D. Pa. Civ. No. 3:18-cv-00777)

Present: AMBRO, KRAUSE, and PORTER, Circuit Judges

Submitted is by the Clerk for possible dismissal due to a jurisdictional defect in the above-captioned case.

Respectfully,

Clerk

ORDER

The appeal is dismissed for lack of appellate jurisdiction. Appellate jurisdiction attaches over an appeal from a final order under 28 U.S.C. § 1291, from a collateral order under the doctrine of Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541, 546 (1949), from an appropriate order relating to the grant or denial of injunctive relief under 28 U.S.C. § 1292(a), and over questions certified pursuant to Federal Rule of Civil Procedure 54(b). See In re Briscoe, 448 F.3d 201, 211 (3d Cir. 2006). Here, the District Court's October 10, 2018 order is a pre-trial order that is interlocutory and not immediately appealable. See In re Glenn W. Turner Enters. Litig., 521 F.2d 775, 781 (3d Cir. 1975). Therefore, we must dismiss this appeal for lack of jurisdiction.

By the Court,

s/ Cheryl Ann Krause
Circuit Judge

Dated: March 11, 2019

Lmr/cc: Edward T. Kennedy



A True Copy:

Patricia S. Dodszeweit

Patricia S. Dodszeweit, Clerk
Certified Order Issued in Lieu of Mandate